

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office Action dated May 15, 2007, and reconsideration of the Action is requested in view of the following comments.

Claims 1 and 2 have been amended as indicated above to recite that the film is in the form of an in-mold label and further that the base layer contains vacuole-initiating fillers. Support for the vacuole-initiating fillers is found on page 11 of the specification and the feature that the film is an in-mold label is discussed throughout the entire specification. Accordingly, the amendments to claims 1 and 2 do not include new matter.

Applicant respectfully submits that the present invention defined in the pending claims is neither shown nor suggested by the prior art taken alone or in combination with one another. Specifically, claims 1-18 are not rendered obvious by the combination of Amon US 6,572,960 and 6,183,856, Biddiscombe US 2002/0015834 and Bothe et al US 4,997,700 ("Bothe"), for the following reasons.

One of the objects of the present invention is to overcome imperfections which opaque films exhibit when used as in-mold labels. Opaque film having numerous voids have low mechanical stability. During in-mold labeling delamination of the film often occurs when the mold is opened. Hence, the film's tendency to split must be reduced and/or the initial tear resistance must be increased. It is important to understand that the present invention is based on the previously unknown finding that conventional opaque films with closed vacuoles have too low a mechanical stability which needs to be improved. The present invention as claimed addresses these concerns.

Amon discloses a very specific technique for making an opaque film with open cells, but not a film with closed vacuoles. Amon explicitly avoids the use of vacuole initiating particles (col. 3, line 49 – 53). Amon produces films with a porous structure wherein the cells are not closed but interconnected. (col. 5, lines 27 – 45 and col. 5 lines 24 – 36).. Such structure is significantly different as demonstrated also by the two figures (col. 4, lines 55 - 60).

Such a base layer of interconnected pores is mechanically very weak, much weaker than a structure with closed vacuoles and therefore useless for any in-mold label application. A skilled artisan asked to improve the mechanical strength of opaque films would not even consider Amon because this film expected fails in the objective to be solved.

Accordingly Amon is not even remotely related to labels in general, even less with in-mold labels. Although a skin layer of a low ethylene content copolymer is disclosed by Amon many other skin layer materials are suggested as well (col. 11, lines 10 – 47). No reason is given as to why specifically this skin layer is advantageous or why the ethylene content should be in the disclosed range of 2-3wt%, when the film is an in-mold label film.

Accordingly Amon is not a proper primary reference because this reference fails to disclose or suggest label application of the film. Amon does not disclose voided films with void initiating fillers, and does not give any motivation as to why the skin layer of ethylen-propylen-copolymer with 2-3% is specifically useful when the label is used as an in-mod label.

Accordingly with these deficiencies it is clear that Amon does not render obvious the in-mold label according to the present invention.

Bothe is clearly related to a different area as well. Although Bothe describes the same kind of cover-layer polymer the reference fails to provide any hint or suggestion of using this skin layer in an opaque in-mold label film. Bothe suggests metallization which also is in deep contrast to what the invention therein is about, since the copolymer cover layer is printed.

The only piece of prior art which is related to an in-mold label is Biddiscomb. However, the problem of too low a mechanical strength is not addressed by Biddiscombe. Accordingly there clearly is no suggestion in Biddiscomb as to how this problem could be resolved.

In relation to the non voided skin layers the materials are only described very generically. Biddscomb does not suggest that there is any criticality with respect to the material of the skin layer, let alone any criticality with respect to the delamination when used as an in-mold label. Accordingly there is no motivation to modify the skin layer at all, certainly no motivation to alter the skin layer with any expectation of improved delamination.

Additionally, the combination of Biddiscomb and Amon is believed to be improper since these are effectively two different film structures despite that they both refer to an "opaque film" The name "opaque film" is about all these two teachings have in common. Effectively Amon is teaching away from a film with increased mechanical stability. Also, from any combined reading there is no motivation to specifically maintain the base layer of Biddiscomb and pick and choose the low ethylen-content skin layer of Amon in order

to achieve an in-mold label with improved delamination resistance. Such is prohibited hindsight and by no means suggested by these references.

Accordingly, for the reasons expressed above the present application is believed to be in condition for allowance, and Notice to that effect is respectfully requested.

Respectfully submitted,

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